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way to the (much smaller) tax-receipts made out for individuals. It is, in fact, the present official policy of the Administration to encourage the issue and acceptance of individual tax-receipts throughout the country. Taxation thus ignores and even denies in its own powerful province the existence of the family unit—with what results we shall see later.

LAW

Let me try first to give a picture of the judicial system of Nupe kingdom as it existed in pre-European times. This is, naturally, an historical reconstruction. But the history to which it refers is not the history of a mythical past. It is a history well documented, and obtained from information which seems reliable and significant and which, collected from different sources, shows remarkable agreement on all main points. My chief informants were village elders and chiefs and the Mohammedan judges of Bida Emirate who, in charge of modern jurisdiction to-day, have witnessed and partly practised themselves the old system.

The theoretical difficulties with which the student of law in primitive cultures is faced are absent in our investigation. The problem, especially, whether to define the province of law on the narrow basis of systematic social control exercised by a politically organized society (Radcliffe-Brown) or, more comprehensively, as embracing all social sanctions that make for uniformity of conduct (Malinowski), is decided for us by the nature of the society which we are studying in the sense of the former essentially modern interpretation. Law in Nupe kingdom is quite conspicuously a concern of the political organization and forms part of the elaborate coercive machinery of the state. This does not mean that no sanctions or forms of redress exist which are applied outside the political framework and left to the more diffuse workings of public opinion and individual or group 'self-help'. But the scope of this non-political (or extra-political) law is extremely restricted. It comprises only two types of offences: religious offences—desecration of sacred objects or places, both Mohammedan and pagan—and kinship offences—litigation over inheritance, offences against traditional marriage rules (i.e. marriages in forbidden degrees), and also incest. I cannot describe here in detail the treatment which Nupe society meted out to individuals guilty of these offences. Suffice it to say that public ostracism which might force the culprit to self-exile or to confidence in his vindication by the deity was its main feature. The society thus exempted from its otherwise comprehensive scheme of formal political jurisdiction the two offences which were either of a nature transcending human justice (as in the case of religious offences, and also partly incest) or concerned only internal frictions in individual kinship groups. All offences that affected the relations between kinship groups or individuals from different kinship groups, and all crimes against human life, were regarded as a concern of the community at large.

But the comprehensiveness of political jurisdiction admitted of two degrees. Traditional Nupe law operated with a legal distinction which, corresponding in certain respects to the modern distinction between

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would happen: 'you give the *egba* half this sum, he will quash the case, and you will still have a profit of 5*s*. Of course, if a larger sum is involved this is not so easy, for such an amount is difficult to hush up, and too many people would know about it.'

The judicial procedure in the capital followed, till recently, two different principles: the *sheri'a gboró*, 'straight judgement', for pagans, and the *sheri'a nya kurani*, 'judgement according to the Koran', for Mohammedans. The former represented the 'customary law' of the country, which would do justice to the local pagan customs; it also implied the oath on the sacred objects of pagan Nupe, especially the chain of Tsoede. The latter followed the written Mohammedan law and implied the oath on the Koran. Punishment of ordinary criminals was performed in the capital, on the open market—be it flogging, *sheld*, or capital punishment. In the case of political offences and in the case of men of rank, royal princes, or members of the high nobility, the execution took place under the cover of night and in the secrecy of their own houses. Whether this 'preferential' treatment expressed a last privilege granted to the ruling classes or whether such secrecy was thought to uphold the morale of the feudal kingdom I cannot say.[1]

All the various crimes and offences listed in our table became actionable only when there was a plaintiff. The state itself did not undertake to prosecute unless it was appealed to first by a person bringing a charge against some other person—with one exception: the crime *lèse-majesté*. The widespread knowledge with regard to this crime and its punishment in districts and groups which certainly never came into personal contact with the king precludes the assumption that in this case, too, the legal executive waited for a concrete charge being brought by the plaintiff in question, i.e. the king. Rather we must assume that the crime became actionable in an absolute sense, whenever and wherever it was committed, provided that witnesses of the act existed. Whether the information about the crime reached the central authority through private information or denunciation, or through the official channels of delegates and sub-delegates, I cannot say; but the important fact is that here the state took the initiative in prosecuting the offender. We have here the instance of an indictable offence in the modern sense of the word—a legal definition unparalleled in any known primitive system of law.

In this comprehensive and strongly centralized jurisdiction the political system of Nupe achieved its strongest hold over the peoples of the kingdom. Here the co-ordination of morality, the uniformity of cultures of which we have spoken, is secured by the most effective weapon, the coercive machinery of state jurisdiction. We possess certain evidence which shows that this comprehensive co-ordination was achieved gradually, and that the political system extended its judicial

[1] I have referred already to the ancient, pre-Fulani, judicial organization of the *ledu*, the 'King's Hangmen', who lived in villages on the Niger and there, far from the king's town, executed the criminals who were condemned to death (see p. 73). It is interesting to mention here certain stories current in Bida which record that the *ledu* organization was still used in the time of *Etsu* Usman against rebels of royal blood, who were imprisoned in Giragi, the *ledu* town closest to Bida.

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the family heads invited the intervention of the political authority in the interest of preserving the existing code of conduct. But once this extraneous authority is admitted, it will have to be obeyed also should its decision run counter to the traditional code. Moreover, the rival authority may be appealed to equally by individuals or groups dissenting from the traditional conceptions of right and wrong. Ultimately, the issue will depend on whether the representatives of state jurisdiction are prepared to uphold customary practices and codes of conduct, or are committed to promote a uniform state law. The trend towards close political co-ordination and centralization must greatly limit the scope of such concessions as might be granted to the divergent legal conceptions in the various subject communities. The extension of state jurisdiction over new domains of social life may thus come to mean the substitution of existing traditional codes and doctrines by a new uniform state law.

I have stated this as a hypothetical case, being unable to produce concrete evidence to show that precisely this development occurred in the case of the various delicts and offences over which we found state jurisdiction already firmly established. I can only point to certain evidence of the reaction of group sections against what must have appeared to them as an excessive unification of the law, namely, certain attempts to change state jurisdiction back to independent local jurisdiction: thus the chief of the Kyedye is reported to have obtained from *Etsu* Abubakari the right to exercise full and independent jurisdiction in his tribal group; and the people of Sakpe and Kutigi claim to have been granted a similar legal franchise by *Etsu* Masaba in exchange for heavier taxation. However, the progressive extension of state jurisdiction and the trends underlying this development are still visible and effective in present-day jurisdiction, to which we shall turn presently. They appear, characteristically, in that domain of social life which was the last to be absorbed by state jurisdiction—kinship—and concern the relation between the spreading modern state law of Nupe, Mohammedan law, and pagan customary practice.

Before we describe modern jurisdiction in detail we may examine for a moment the causes of the spreading of Mohammedan law in Nupe. It has no doubt been consciously fostered by the Mohammedan rulers of the country. But to some extent Fulani rule, still in British times, appears to have avoided excessive legal unification by allowing for customary pagan law—the 'straight judgement' in the case of pagans. Here, however, we find that the same effects that accompanied the 'divided authority' occur again in the case of the 'divided law'. The coexistence of two legal systems, one backed by the prestige and supreme power of the rulers of the country, the other reserved for the pagan subject groups, is again reduced to uniformity, the 'stronger law' ousting the 'weaker law'. We have concrete data to illustrate this process. The Mohammedan judges used to ask the parties appearing before them whether they were Mohammedans or pagans. The large majority proclaimed themselves Mohammedans, and desired to be tried according to Mohammedan law. Administrative Officers in areas where pagan and Mohammedan courts exist side by side also said that the people would generally prefer the Mohammedan court. They explain

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671 this attitude as due to the reluctance of the people to be classed with the more backward sections of the population. But there is also a more fundamental reason. Offences and litigation involve by their very nature dissension from established rules of conduct. It is thus often in the interest of offenders and litigants to dissociate themselves from traditional justice and to appeal to the rival law existing in the community. We shall see that in certain extreme cases the 'divided law' almost puts a premium on dissension from the traditional concepts of right and wrong.

692 In modern Nupe, then, Mohammedan law is paramount. The legal administration of the country is entrusted to *Alkalai*, judges trained in Mohammedan law, who reside in Bida and in the districts. The District Courts, of which there are seven in Bida Division, are courts of a lower grade—in official terminology, 'grade C courts'—that is, they are entitled to deal with civil cases involving fines up to £50 and criminal cases involving imprisonment up to six months, in case of theft up to twelve months. Bida town possesses a 'grade A court', the chief *Alkali*'s court, which combines the two different functions of a local court for the town and an appeal court for the districts. It has unlimited jurisdiction over all cases which under the Native Courts Ordinance are subject to the jurisdiction of Native Courts, i.e. excepting such cases as sedition, charges against Europeans, treason, trial by ordeal, and corruption of officials. The jurisdiction of the Bida Court also excludes homicide cases—an exceptional limitation which was imposed upon Bida after the disturbances of 1931. The *Etsu* with his councillors forms another 'grade A court' which deals with cases concerned with land, and constitutes at the same time a higher court of appeal for cases from the districts. The District Officer represents a final court of appeal for all cases. Cases excluded from native jurisdiction come before the High Court, which sits from time to time at the Headquarters of Niger Province, presided over by a professional British judge.

695 It is interesting to dwell for a moment on the description of a Native Court in action. Picture the court building: a spacious round house, with a gallery running round its outer wall. The *Alkali* has his place on a raised platform near the wall, books and papers spread out before him. On the floor, leaning against the platform, his assistant is sitting. In the Bida Court there are also scribes who take down the minutes of every case. Ushers, messengers, and sometimes policemen are standing at the doors. The Bida Court sits daily from 10 a.m. till 2 p.m., the District Courts whenever there are cases. The court procedure is very rigid. Plaintiffs and defendants are squatting in the centre of the court room, facing the judge, their hands folded in their laps; to rest one's hands on the ground means disrespect towards the *Alkali*. The place of witnesses is to the side and back of the plaintiffs and defendants. Women must sit in the outer gallery (at least in cases concerning divorce, adultery, and suchlike); they speak through a small window in the wall. You will recognize at once the peasant from the country: he sits there shy and frightened, often quite bewildered by the questions of the judge; often too, he has to be reminded to raise his voice, which is almost inaudible.

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But in the Bida Court temper may run high, especially when people of standing and wealth are involved who not infrequently will argue and remonstrate with the judge. I have seen judges lose their patience with such unmanageable parties, shout at them and threaten them with punishment for this 'contempt of court'.

Before the pretentious Bida Court with its office hours and fixed rules of procedure, its crowd of subordinate officials, assistants, scribes, ushers, policemen, a multitude of cases are brought daily which fit well into its up-to-date routine: offences against the by-laws of a modern town (riding a bicycle without light, or riotous behaviour in the street or the market, &c.) and all the various disputes bound to occur where you have an intensive trade, complicated money transactions, and suchlike. But before the same court come the cases (and in this book we are only concerned with these) that are the expression of tensions and conflicts of the society in its old unchanged form—cases of inheritance, divorce, witchcraft. The extension of native jurisdiction over the problems and conflicts of a modern urban community, which is merely a question of applying jurisdiction and executive under the guidance of the British Administration, is of less interest to us than the progressive penetration of formal political jurisdiction into the domains of traditional native life, which is a problem of legislation that the native society must itself solve. In this, the modern Native Court is the legitimate heir of the pre-British system of law—heir both to its strength and its weakness.

We may say that the modern legal system is both more comprehensive (embracing, above all, the domain of kinship) and, viewed from the standpoint of the groups which submit to its jurisdiction, more alien than the old system. To explain this we must for a moment go back to a question discussed previously. I have said that every extension of a uniform jurisdiction and legislation over new social domains involves potentially the substitution of a new law for original codes and conceptions, and thus a certain disparity between the recognized law and the culture of which the old conceptions were an expression. This disparity is clearly a phenomenon of transition: every society will tend in the course of time to eliminate such a hiatus—either by reacting against the expanding judicial system and forcing it to adjust its too extravagant claims (we shall presently encounter instances of this)—or by completing that process of cultural assimilation of which the co-ordination of legal concepts represents only one aspect. We may assume that our table of jurisdiction in pre-British times, which shows a certain system of law firmly accepted throughout the society, refers to aspects of culture in which this process of mutual assimilation has been completed. Whether or not my hypothesis is historically correct, we must admit that where the process is still in motion, where the politically-backed law is only just extending its hold over new domains, the disparity of which I have spoken must be visible. This is indeed the case to-day, when Mohammedan law is being applied to kinship offences.

It would go beyond the scope of this book to study the relation between Mohammedan law as it is practised in Nupe and the traditional concepts of kinship conduct and kinship rights and duties. I may be

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allowed to reduce this relation to a simple formula: if the former is born of the social conditions of an urbanized stratified society and reflects the specific concepts of property and morality which have evolved there, the latter is typical of the peasant community, its economic pursuits, its values and interests. The Mohammedan law as it is applied in Nupe has undergone a number of significant changes in the comparatively short period of Fulani and later British rule. The knowledge of the more important changes (e.g. in the treatment of seduction and adultery) has spread throughout the country and the changes remain linked in the memory of the people with the names of the judges who were their originators. Some changes are regarded as good, others as bad, and accordingly judges have earned or forfeited the reputation of being 'wise men'. The lawgivers themselves have been aware of the necessity of bringing their extraneous legal machinery into at least partial harmony with existing conditions and conceptions.

Here a new aspect of the 'disparity' between law and culture reveals itself. The very fluidity of this evolution of a new legislation must remove the law from the orbit of the average citizen. He is no longer able to keep track of it as he could when the legal system could be reduced to the short list of 'civil offences' and 'crimes of the king'. I have encountered ample evidence of this kind—erroneous beliefs of individuals as to particular laws or forms of legal procedure. Some ten or fifteen years ago unscrupulous judges made use of the ignorance of the peasants and prosecuted, for 'neglect of their parental duties' the parents of girls and young men suspected of illegitimate sexual intercourse. The repercussions of this abuse are still felt, and many peasants dare not bring a case of seduction before the court for fear of being fined themselves. A conspicuous evidence of this gulf between the law and the people is the continued practice of peasants and commoners to seek out a Mallam or a person of standing and have him accompany them to the court when they are about to commit themselves to the vagaries of an unknown law.

The disparity between law and culture is naturally most marked in the slow-moving peasant communities, where social and economic conditions diverge most fundamentally from the social life of which Mohammedan law is an expression. Here the unfamiliarity of the judges, who come from the highest families of the kingdom and who are Bida born and bred, with the local situation and specific customary practices (e.g. marriage rules) may add yet another source of conflict.[1] Even the religious emblems upon which the Nupe were wont to take the oath are absent in the modern District Court which, instead, is using the Koran.[2] Pagans will always be ready to swear by the Koran if asked to do so by

[1] Some of the local *Alkalai* may be very reluctant to regard themselves as permanently attached to their station. They may be hoping for a speedy promotion, eventually to the court in Bida.

[2] In a court in the Nupe district of Ilorin Province a very enlightened *Alkali* used both Koran and the 'chain of Tsoede' to do justice to Mohammedans as well as pagans. In this as in similar respects much depends on the personality (and special training) of the individual judge.

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the *Alkali*, said one of my informants, and will think nothing of perjuring themselves.

Let me quote a significant instance. An Ebe man had refused to let his daughter marry a Hausa whom she loved, having a different suitor from Ebe country in mind for her. The Hausa brought the case before the *Alkali* of Kutigi (some 50 miles away); the *Alkali* instructed the father to give his blessing to the marriage on the grounds that the Koran decreed that no father should stand between two young people who loved each other. The father swore an oath to that effect on the Koran and returned home. But after a month the Hausa came back, reporting that the girl's father had renewed his opposition to the marriage. Three times they were summoned to court, and three times the father agreed in the presence of the *Alkali*, only to revoke his agreement afterwards. At last I happened to be in the court and asked the man if perhaps the Ebe disliked letting their daughters marry outside the sub-tribe or tribe. Evidently relieved, the man said that this was indeed the case. Curiously enough, the girl, who had till then stubbornly maintained her desire to marry the Hausa, declared that she would obey her father as soon as the customary marriage rule was brought up in the court.

This example also illustrates the effects of what I have called above the 'divided law': the girl and her suitor, well knowing that if they submitted to the customary law as it was upheld by her father and most probably the village elders would not be able to marry, appealed to the Mohammedan court, whose decision, as they anticipated, was favourable to them. Here we see what I have mentioned above—that in districts in which the customary conceptions of law still obtain, modern legislation puts a premium on breaches of the traditional usage. This is shown most clearly in litigation over inheritance. According to Mohammedan law the property and land left by a family head should be divided equally among the sons; traditional rules of inheritance hold that land and property should be inherited by the younger brother, and that sons and brothers' sons should stay on the land working under the heir as under their sociological father. This rule expresses the interest of a farming community in maintaining landed property so far as possible intact, while the Mohammedan rule does justice primarily to owners of movable property, money, trade goods, or cattle. Now, for reasons which we shall examine in a later chapter modern economic developments have led increasingly to the adoption of the Mohammedan solution. But were individuals still to attempt to enforce the traditional rule, dissatisfied family members could easily obtain a reversal of this decision by appealing to the Mohammedan court.

Again we observe the effectiveness of the 'social law' which we have formulated above, that a stronger law ousts a weaker law. The existence of the divided authority which favours 'dissenters' from traditional law, must force chief and elders—the guardians of traditional usage—to surrender in ever larger measure the authority which they are still holding to the stronger authority of the state law, even to invite its intervention—as did the family heads who appealed to their feudal lord for support of their paternal authority. It is important to emphasize this, as

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many Administrative Officers think it desirable that the village chiefs and elders should continue to practise their informal arbitration side by side with the existing official courts. Our data preclude the likelihood of such a parallel development; they show that the tendency is rather towards the virtual surrender of one to the other. We have heard that in the present-day judicial arrangement the Village Head is expected to send all legal cases which cannot be settled by arbitration to the District *Alkali*'s court. Now I have found the chiefs quite satisfied with this state of affairs, which freed them of the responsibility in more serious cases. Some seemed, in fact, quite frightened at the idea of taking over this responsibility themselves, and were only too ready to leave a larger and larger proportion of their judicial tasks to the professional judge. 'To-day', a chief said to me, 'people want written judgements in such cases as divorce, inheritance, debts; *ama mi de takarda à*, but I have no papers to give.' ('Papers' are only the modern symbols of the more powerful and more permanent authority wielded by state jurisdiction; in his own words the chief expressed the essence of that principle of 'divided authority'.

Shall we acquiesce with the chief in these results of an inevitable process of change? I think not. Politically, the chief is divested already of much of his former power. To divest him also of all judicial authority is to deprive him of the last vestige of the most vital prerogative of his office, which is the enforcement of a certain line of conduct upon his community, and to sanction all deviations from it as acts detrimental to the welfare of the community. It would amount to turning the chief completely into a petty executive official, entitled only to carry out orders, but with no right to voice public opinion. Besides, the disregard for local customs by the professional Mohammedan judges is felt as a real hardship by many. Even if more change is on the way, bound to promote the final assimilation of Mohammedan law and customary practice, its pace should be set by the people themselves, and not by an alien, uninterested judge. In the nature of things the solution must lie in a compromise. In my view the best compromise would be to vest the Village Head with the right (and, more important, the duty) to act as an assessor in the court, with full consultative authority, whenever cases from his community are brought before the *Alkali*.[1]

This does not contradict what I have said in a previous section about the 'parochial outlook' of the village chief. The parochial outlook may unfit him for responsible posts in the administration of the Emirate at large, such as District Headship, which call for a wide view and an appreciation of policy on, as it were, a national scale. But it is just this parochial outlook which qualifies the village chief eminently for dealing with legal cases, bound up as they are with local conditions. However, there is a wider issue involved in this question—the most intricate problem which modern administration has to solve, the problem of centralization versus local autonomy.

[1] This solution is envisaged in the Native Courts Ordinance, which leaves it to the discretion of the Native Court to appoint assessors from the ranks of village chiefs and elders.

3: Forde E-4 (no date) 1955 FF52 Nupe FF52

LEGAL PROCEDURE

627 The village head has limited and informal judicial powers. Minor cases are settled by him with two or three members of the council and the elders of the ward to which the litigant belongs. The procedure is informal and discussion rarely becomes heated. The authority of these courts is gradually being surrendered to the officially recognized courts. Cases requiring formal justice are referred to the 671 Native Court under the professional Moslem judge (*Alkali*) of the District.
692 In modern Nupe, Moslem law is paramount; the judges (pl. *Alkalai*) reside in Bida and the other Districts. The Bida town court is both a local court and appeal court for the Districts. The *Etsu* and his councillors form a higher court of appeal for cases concerned with land.

671 A marked disparity has been reported between Moslem law and the traditional 182 culture, particularly in rural communities, where the social and economic conditions differ most widely from the social life of which Moslem law is an expression. Peasants who were familiar with and understood the old customary law, often insist, when they come before the courts, on being accompanied by a mallam or person of standing who is familiar with the "new" law.

Among the Kyedye the *Alkali* holds his court in Muregi; the *Kuta* (chief) and delegates (district heads) have no judicial authority.

692 Jurisdiction over grave crimes was formerly the responsibility of the *Etsu* 696 Nupe. The death penalty was exacted for theft in the night, "big theft," murder, and treason. Traditionally the only villages in which executions could be performed were the *ledu* (pl. *leduzhi*) villages—Jebba, Gbere, Tada, Jiragi, Sulati, Fofo, Taiji, and Cewuru, which lie along the banks of the Niger 10 to 15 miles apart, between Jebba in the north and Eggan in the south. The king's hangmen resided here and a criminal was generally taken for execution to the *ledu* village nearest to his home.

778 Each of these villages possesses a "chain of Tsoede," generally kept at the 782 chief's house; it is a typical heavy iron slave or prison chain, up to 30 ft. long, with arm- and leg-irons. Traditional sacrifices of beer and blood are made to it, and it protects the village from sickness and brings fertility to women. Jebba and Tada, the oldest of the *leduzhi*, also possess bronze figures.[37]

INHERITANCE

428 The personal property of men is inherited by their sons, that of women by their daughters. The family farm goes to the relative next in seniority, younger brother or eldest son, in the classificatory sense.[38]

586 A widow may be inherited by her husband's sister's son or her husband's younger brother; custom forbids remarriage with an elder brother. Islam, however, allows remarriage with elder or younger brother.[39]

LAND TENURE

423 Land tenure in different parts of the country has been variously affected by two factors, namely the appropriation as estates held by the nobility of parts of the tribal lands after the Fulani conquest, and the density of population.

The royal house of Bida holds the title to certain lands by right of conquest. Land was also bestowed on others by the royal house for services rendered, and all individual titles to land are held to be ultimately derived from this one source. The clearing and first hoeing of the royal estates is done by large-scale communal labour. The subsequent work was formerly done by slaves, but to-day by paid labour.

Most of the appropriation of land occurred in the area east of the Kaduna River. Here population is more dense and there is a complex system of land ownership and transfer. Owing to the consequent shortage, disputes are frequent and particu-

[37] Nadel, 1942, pp. 86–8, 165–79; 1940a, p. 181; 1935b.
[38] Nadel, 1942, pp. 31–2, 245.
[39] Nadel, 1954a, pp. 249–50.

4: Temple G-4 (no date) 1922

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The successor's initiatory act is to go to the tombs of each of his predecessors, where he offers prayer at the head of his people. He would have three compounds to visit, the burial place of each of the three family branches, one sepulchre being in his own palace, as the Chief resides in his own family mansion. 643

The Nupe King, entitled Etsu in pre-Filane days, now Emir of Bida, has been a Muhammadan for some centuries and Koranic law is, therefore, observed, but as it has been modified since the advent of the British the following relates to the system of punishment in vogue before that time. All cases were then, as now, decided by the Alkali in court, and he informed the Emir of all important sentences. If there were doubt as to the guilt of the accused the Alkali would sometimes summon a Mallam with the gift of second sight to assist him, but he would never fail to come to a decision. Boys under seventeen were not considered adult, and were not subject to courts of law, but were punished at home by their fathers or guardians—and the same applied to unmarried women. 671 696 [884 672]

The theft of any food stuff eaten on the spot was considered no offence, but if any objects worth 1,250 cowries (=6d.) or more were stolen the thief had his hand cut off, for a second offence his foot, for a third offence his second hand, for a fourth, his second foot. It is so much recognised as a brand, that an innocent man who has to have his hand amputated always has it done at the elbow. If, however, there were extenuating circumstances, if it was a first offence, and the man pleaded guilty, he might be let off altogether, or imprisoned. Theft between husband and wife is considered no offence. If the value of goods taken was 10,000 cowries or more his head was cut off, and the same punishment was inflicted for highway robbery with violence. If no bodily hurt were done, imprisonment was substituted for any term up to four years. 685 [935] 683

For assault a fine of 50,000 cowries was levied.

For resisting a dogarai, or officer of the Alkali's court, a fine of 100,000 cowries upwards was imposed.

Injudicious talk was punished by cutting off the mouth and ears.

Murder was punished by decapitation.

Sentences of death were carried out by dogarai, who buried the bodies, unless the families sent for them. 682 696 [86]

Adultery was heavily punished in old days, but not now. Married women were liable to law. They suffered imprisonment inside the Alkali's compound, in compliance with Muhammadan decorum, and a murderess was put in a pit (in this compound), from which her head alone emerged, and was kept there without food or water till she died, for a woman might not be killed! There were but few women criminals, as crime is ground for divorce, and it is hard for a criminal to get another husband. 684 [562] 586